



UNITED STATES DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

January 13, 2021

Tony Dearman  
Director  
Bureau of Indian Education  
United States Department of Interior  
1849 C Street NW  
Washington, DC 20240

Dear Director Dearman:

I am pleased to approve the Title I, Part A section of the Bureau of Indian Education's (BIE) Agency plan. This section describes how BIE meets the requirements under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (ESEA), for your accountability system. Specifically, the approved plan describes the accountability system the BIE will implement in the 2021-2022 school year, using data from the 2020-2021 school year. Given the challenges all schools are facing due to the novel coronavirus pandemic (COVID-19) during the 2020-2021 school year, BIE may choose to delay the identification of schools for comprehensive support and improvement, targeted support and improvement, and additional targeted support and improvement by one year, using data from the 2021-2022 school year to identify schools in fall 2022. If BIE chooses to delay identification of schools, it is still required to implement its accountability system (*i.e.*, calculate each indicator, calculate summative ratings as outlined in BIE's approved Agency Plan, and meet reporting requirements) using data from the 2020-2021 school year. It is also required to continue providing supports for schools previously identified for improvement. The Department requests that BIE notify the Department of its preferred timeline within 30 days of receipt of this letter. Additionally, if BIE makes significant changes to its approved accountability system at any time, BIE must submit information about those changes to the Department for review and approval.

This approval also satisfies BIE's Corrective Action Plan (CAP) item to submit to the U.S. Department of Education (Department) an Agency Plan that contains its accountability system under ESEA section 8204(c)(1). In addition, BIE has also satisfied the CAP requirement to submit evidence that BIE is taking steps to implement a new assessment system that includes all required assessments, including science and English language proficiency assessments. Enclosed in Appendix A is an updated list of outstanding CAP items. Note that BIE must demonstrate that its assessment system meets the requirements under ESEA section 1111(b)(2) by submitting its assessment system to the Department's peer review process (see ESEA section 1111(a)(4) and 1111(b)(2)(B)(iii)-(iv) and 34 CFR § 200.2(b)(4-5) and (d)).

This approval is only for the requirements of Title I, Part A of the ESEA. I recognize that BIE's Agency Plan will ultimately include all applicable covered programs of the ESEA. The remaining sections of the Agency Plan must be submitted for the Department's review before the

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entire Agency plan, which covers all programs in the ESEA for which BIE receives funds, can be approved.

Please note that approval of the Title I, Part A component of the BIE Agency Plan is not a determination that all the information and data included in the State plan comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act.

The Department appreciates our continued relationship with BIE and remains committed to working with you. In addition, we thank you for your continued commitment to our nation's students during these extraordinary circumstances. If you have any questions, please contact Adyel Duran of my staff at: [OESE.Titlei-a@ed.gov](mailto:OESE.Titlei-a@ed.gov).

Sincerely,

/s/

Frank T. Brogan  
Assistant Secretary  
for Elementary and Secondary Education

Enclosure

cc: Dr. Tamarah Pfeiffer, Chief Academic Officer, BIE

**Appendix A: Summary of Outstanding Corrective Actions****Completed Corrective Action**

<b>Indicator</b>	<b>Task</b>
<b>ESEA</b>	BIE's Agency Plan that contains the accountability system that BIE will implement in school year 2021-2022.
<b>Section A: Assessments</b>	Submit evidence BIE is taking steps, as planned, to implement a new assessment system covering all required assessments, including science and ELP (e.g., documentation of issuing request for proposal or other acquisitions related documentation).
<b>Section B: Data Reporting</b>	Submit and certify all available school year 2018-2019 data to the Department via EdFacts and the Consolidated State Performance Report.
<b>Section C: School Improvement/Supports for Low Performing Schools</b>	Approve applications for 1003(a) funds, award funds, and continue to provide supports and improvement for its identified schools.

**Outstanding Corrective Actions**

<b>Indicator</b>	<b>Task</b>	<b>Deliverable Deadline</b>
<b>Section B: Data Reporting</b>	Submit evidence of corrective actions BIE has taken against schools which fail to comply with the requirements in the law to provide data to BIE.	As necessary
	Publicly post SEA and LEA report cards for SY 2018-2019.	April 30, 2020
<b>Section C: School Improvement/Supports for Low Performing Schools</b>	Report how BIE is providing supports and interventions to the schools on its list of identified schools, including schools identified for CSI in school year 2019-2020.	Ongoing/reporting quarterly
	Using data from the 2020-2021 school year, identify schools for CSI and targeted support and improvement using its new accountability system.	Beginning of SY 2021-2022
	Approve applications for 1003(a) funds and subsequently award funds as appropriate and continue to provide supports and improvement.	March 1, 2022
	In the beginning of the 2021-2022 school year (using data from the 2020-2021 school year), identify	March 1, 2022

	<p>schools for CSI and targeted support and improvement using its new accountability system.</p> <ul style="list-style-type: none"> <li>➤ Based on this identification, by March 1, 2022, BIE must approve school-level applications for 1003(a) funds and subsequently award funds, as appropriate, and continue providing support and improvement activities.</li> </ul>	
<b>Section D: Subrecipient Monitoring</b>	<p>BIE must annually implement a fiscal monitoring and oversight system for all of its schools (including BIE-operated and tribally controlled) that includes: (1) making annual risk determinations; (2) determining its cycle of monitoring; and (3) annually overseeing its schools to ensure the proper use of funds and, as necessary, to take enforcement actions against schools which fail to appropriately use federal funds.</p>	Ongoing/reporting quarterly